

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 NICHIA CORPORATION,

No. C 06-0162 MMC

12 Plaintiff,

13 v.

**ORDER DENYING DEFENDANTS'
ADMINISTRATIVE MOTION TO EXTEND
PAGE LIMIT FOR ITS MOTION AS A
MATTER OF LAW**

14 SEOUL SEMICONDUCTOR CO.,LTD., et al.,

15 Defendants
16 _____/

17 Before the Court is defendants' "Administrative Motion Pursuant to L.R. 7-11 to
18 Extend Page Limit for Its Motion as a Matter of Law" ("Administrative Motion"), filed
19 February 21, 2008, by which defendants seek leave to file a 35-page motion for judgment
20 as a matter of law ("motion for judgment"). Plaintiff has not filed a response. Having read
21 and considered the moving papers, the Court, for the reasons set forth below, finds the
22 Administrative Motion to be both untimely and moot.

23 Under the Local Rules of this District, the Administrative Motion was not deemed
24 submitted until February 27, 2008. See Civil L.R. 7-11(b), (c) (providing motion for
25 administrative relief deemed submitted on fourth court day after motion filed). Because
26 judgment was entered on February 7, 2008, however, defendants were required to file their
27 motion for judgment no later than February 22, 2008. See Fed. R. Civ. P. 50(b) (providing
28 motion for judgment must be filed no later than ten court days after entry of judgment).

1 Defendants did not file their proposed 35-page motion as an exhibit to the Administrative
2 Motion. Consequently, even if the Court were to grant defendants' Administrative Motion,
3 such ruling, of necessity, would not be made before the deadline for filing a motion for
4 judgment had passed.

5 In any event, defendants, on February 22, 2008, did file a motion for judgment. Said
6 motion is 25 pages in length and appears to address all issues defendants seek to present
7 in their motion for judgment as a matter of law. Further, to the extent said motion
8 incorporates by reference argument made in defendants' concurrently-filed motion for new
9 trial, (see, e.g., Defs.' Mot. for Judgment at 3:20-21), the Court will exercise its discretion to
10 consider such argument as it applies to the motion for judgment as a matter of law.

11 Accordingly, the administrative motion for leave to file a 35-page motion for
12 judgment as a matter of law is hereby DENIED.

13 **IT IS SO ORDERED.**

14
15 Dated: February 29, 2008


MAXINE M. CHESNEY
United States District Judge